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Commissioner for Trademarks
Att: Cheryl L. Black
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: Comment on Proposed Amendment to 37 CFR Parts 2 and 7
as published in the Federal Register of April 7, 2005

The proposed amendments in general appear to offer a streamlined process that would benefit both the Patent and Trademark Office ("Office") as well as the public. When certain applications are filed so as to reduce the costs of processing and examination, the Applicant shares in the cost savings through a lower filing fee. This sharing of cost savings appears to present a significant benefit to the Office and Applicants alike However, one aspect of the proposed rules appears out of balance in that it presents an unnecessary burden to trademark applicants, without a sufficient corresponding benefit to the Office.

The Office has proposed that in order to maintain an application in the status of a TEAS PLUS application, a complete response to an Office action must be filed within two months of the mailing date, instead of the six-month time that otherwise would apply. In general, the proposed requirements for a TEAS PLUS application do appear to be related to items that would make processing by the Patent and Trademark Office more efficient, and less time consuming for Office staff.

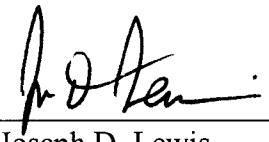
In dealing with responses to Office actions, the time involved by Office personnel would be the essentially the same regardless of whether the response is filed within two months of mailing date, or within the statutory limit of six months. Although the average pendency time may be less under the proposed rule, applications still could not be marked as abandoned until the entire six-month period of time for filing a response has expired. Therefore, applications will not be abandoned more quickly. Accordingly, it is submitted that there is not a sufficient relationship between the shortened response period and the cost savings recognized by the proposed fee change to justify the imposition of a two-month response requirement.

The proposed rule change would also impose upon applicants an additional docketing and record keeping requirement, in that the two month response date, as well as the six month statutory deadline and date of appeal, must be separately docketed.

For the above reasons, it is requested that the proposed rule for 37 CFR Section 2.23(a)(2) be amended before implementation by deleting the first sentence in the proposed rule.

Please note that the foregoing comments are made by the undersigned practitioner only, and do not represent the official views of Barnes & Thornburg LLP.

Respectfully submitted,

By: 

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